IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 17483 of 2004

Between:

Syed Yousuf, S/o Syed Pasha,Owner of Vehicle No.AP-11;W.7390. R/o Malakpet, Hyderabad

..... PETITIONER

AND

1 The Collector (CS) Medak District at Sangareddy
2 Deputy Tahsildar (CS) Wargal V & M, Medak District
3 Station House Officer, P.S.Gowraram, Medak District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ, Order or direction more in the nature of Writ of Mandamus declaring the action of the respondents by conducting panchanama on 7-8-2004 seizing the stocks and vehicle bearing No.AP 11/W.7390 is illegal, improper, without any jurisdiction under law.

Counsel for the Petitioner : MR.V.H.V.R.R.SWAMY

Counsel for the Respondents 1 and 2 : GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3 : GP FOR HOME

The Court, at the stage of admission, made the following :

ORDER:

The Deputy Tashildar (CS) Wargal, seized the vehicle of the petitioner bearing No.AP-11W-7390 on 07.08.2004. The ground for seizure was that the vehicle was found transporting 1000 liters of thinner without any permit. The petitioner applied to the 1st respondent for release of the vehicle, through a representation dated 16.08.2004. The 1st respondent addressed memo, dated 20.08.2004, indicating that the vehicle would be released on furnishing a bank guarantee by a nationalized bank for a sum of Rs.40,000/-. Petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Government pleader for Civil Supplies.

Basically, the panchanama does not disclose that the product, which is said to have been found in the vehicle of the petitioner, is either a controlled commodity or a banned product. No provision of any Control Order or enactment is referred to therein. It is not known as to whether any proceedings under Section 6-A of the Essential Commodities Act, 1955, have been initiated at all. Further, the 1st respondent did not indicate the basis for requiring the petitioner to furnish bank guarantee for a sum of Rs.40,000/-.

Under these circumstances, this Court is of the view that the vehicle of the petitioner deserves to be released by requiring him to furnish an undertaking not to alienate the vehicle till the 1st respondent finalise the proceedings and to produce it

as and when required.

Hence, the writ petition is disposed of directing that the vehicle of the petitioner shall be released, forthwith, on his furnishing an undertaking that he shall not alienate the vehicle, till the 1st respondent dispose of the proceedings initiated against the petitioner and that he would produce it as and when required for the purpose of investigation. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 08th December, 2004

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To

1 The Collector (CS) Medak District at Sangareddy
2 The Deputy Tahsildar (CS) Wargal V & M, Medak District
3 The Station House Officer, P.S.Gowraram, Medak District

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad(OUT).

5 Two C.Cs. to the Government Pleader for Home, High Court of A.P., Hyderabad. (OUT)

6 Two C.D. copies.